

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
701 Bridger Ave
Suite 820
Las Vegas, NV 89101
(702) 853-4500

E-FILED

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
DEVIN E FULTON
PATRICIA L FULTON

CASE NO: BKS-09-15101-BAM

CHAPTER 13

Hearing Date: October 15, 2009

Hearing Time: 1:30 pm

HAINES & KRIEGER, L.L.C.
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #3
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

The Trustee herein, Rick A. Yarnall, hereby objects to confirmation of Plan and hereby represents the following:

The debtor(s) filed for Chapter 13 relief on 04/05/2009. The 341(a) Meeting of Creditors held on August 20, 2009 at 10:00 am was:

- concluded

The Trustee objects to confirmation of the Chapter 13 Plan for the following reason(s):

- Debtor(s) are delinquent in plan payments
- Other: Trustee objects that plan distribution is not equal monthly payments pursuant to 11 U.S.C. §1325(a)(5)(B); Debtor(s) have not provided evidence to support the large increase in plan payments; Trustee objects to attorney's fees sought to be paid thru Plan. Attorney's fees exceed amount previously established by attorney; Attorney to provide detailed statement as to the excessive amount of fees sought in this case. Objection to §6.02-6.10 as it does not comply with 11 U.S.C. §1325(a)(1);
- The debtor(s) has failed to cooperate with the Trustee [11 USC 521 (3)] as the following document(s) were not provided:
 - Pay stubs: Mr: Oct 15 (beginning of look back period)
 - Support amount stated on Schedule J regarding excessive expenses: education; auto insurance premium; transportation
 - Other: Provide written status report at time of confirmation hearing & any subsequent confirmation hearings to Trustee as to loan modification
- The proposed Plan fails to provide for all of the Debtor's disposable income [11 USC 1325 (b)(1)&(2)] based on income analysis came in higher than Sch I and/or Form 22c would result in a dividend to general unsecured creditors (i.e. luxury item, unreasonable expenses, etc.) and, as a result, the Debtor(s) has failed to file a Plan in good faith [11 USC 1325 (a)]
- Plan is not feasible [11 USC 1322] due to: secured claims filed (resolve obj to confirmation)
- Plan to be interlineated with tax years: 09-11

THEREFORE, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed and that the Trustee be allowed administrative expenses in the amount of \$150.00 per quarter the case is pending.

Dated: August 31, 2009

/s/ Rick A. Yarnall

Rick A. Yarnall, Chapter 13 Trustee

CERTIFICATE OF NOTICE

District/off: 0978-2
Case: 09-15101

User: espinozal
Form ID: pdf891

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Total Noticed: 49

Date Rcvd: Sep 02, 2009

The following entities were noticed by first class mail on Sep 04, 2009.

db/jdb +DEVIN E FULTON, PATRICIA L FULTON, 4379 SUN VISTA DRIVE, LAS VEGAS, NV 89104-5400
cr +Litton Loan Servicing, L.P., c/o McCalla Raymer, LLC, Bankruptcy Department,
1544 Old Alabama Road, Roswell, GA 30076-2102
cr +WACHOVIA DEALER SERVICES, INC., FKA WFS FINANCIAL,, c/o Gary L. Compton, Esq.,
2950 E. Flamingo Rd., Ste. L, Las Vegas, NV 89121-5208
4627259 ++AUTOMATED RECOVERY SYSTEMS INC, P O BOX 82068, LAS VEGAS NV 89180-2068
(address filed with court: Automated Recovery Sys, Acct No 7290560000214850,
4530 S Eastern Ave Ste 1, Las Vegas, NV 89119)
4627256 +Aargon Collection Agency, Acct No 1895002026, 3025 West Sahara Ave,
Las Vegas, NV 89102-6094
4627257 +Allstate Adj, Acct No 141573545447, 1050 E Flamingo Rd Suite E320, Las Vegas, NV 89119-7427
4627258 +American Express, Acct No 039675214015507123, General Counsels Office,
3200 Commerce Pwy Md 19-01-06, Merrimack, FL 33025-3907
4627260 Bank of America, Acct No 4812, Nc4-105-03-14, 4161 Piedmont Pwy, Greensboro, NC 27420
4627261 +Capital 1 Bank, Acct No 486236235679, Attn: C/O TSYs Debt Management, Po Box 5155,
Norcross, GA 30091-5155
4627262 +Check City, PO Box 970028, Orem, UT 84097-0028
4627263 +Citi - BP Oil, Acct No 730871, Attn: Bankruptcy, Po Box 20363, Kansas City, MO 64195-0363
4627264 +Citibank / Sears, Acct No 5015784, P.O. Box 20363, Kansas City, MO 64195-0363
4627265 +Cmre Financial Services Inc, Acct No T710MMBR12750914, 3075 E Imperial Hwy, Suite 200,
Brea, CA 92821-6753
4627266 +Countrywide Home Lending, Acct No 35497001, Attn: Litigation Intake, MS;AC-11B,
5220 Las Virgenes Rd, Calabasas, CA 91302-1064
4627267 +Creditburec, Acct No 9A3717014, Pob 29299, Las Vegas, NV 89126-3299
4627268 +Direct Merchants Bank, Acct No 601138000000, Attn: HSBC Card Member Services, Po Box 5246,
Carol Stream, IL 60197-5246
5113586 +ECMC, P O Box 75906, St. Paul, MN 55175-0906
4627273 +HSBC, Acct No 540801003499, Hsbc Card Srvs Attn: Bankruptcy, Po Box 5213,
Carol Stream, IL 60197-5213
4627274 +HSBC Nv/GM Card, Acct No 5407915019726840, Hsbc Card Srvs Attn: Bankruptcy, Po Box 5213,
Carol Stream, IL 60197-5213
4627275 ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 21126,
PHILADELPHIA PA 19114-0326
(address filed with court: IRS, Insolvency Dept, 110 City Parkway, Las Vegas, NV 89101)
4627277 +Litton Loan Servicing, Acct No 00000000017233420, 4828 Loop Central Drive,
Houston, TX 77081-2212
4627278 +Litton Loan Servicing, 4828 loop Central Dr, Houston, TX 77081-2166
4627279 +Money Tree, PO Box 58363, Seattle, WA 98138-1363
4646485 +Moneytree, Inc., PO Box 58363, Seattle, WA 98138-1363
4627280 +National City Bank, Acct No 7591044319876, Total Loss Bankruptcy Consumer Loans - N,
Po Box 94982, Cleveland, OH 44101-4982
4627281 Newport News, Acct No 577091262780, Card Processing Ce P.o. Box 9204,
Old Bethpage, NY 11804
4691678 +PRA Receivables Management, LLC, As Agent Of Portfolio Recovery Assocs., PO Box 12914,
NORFOLK VA 23541-0914
4627282 Payment Center, Acct No 6011-3800-0000-1644, PO Box 60136, City Of Industry, CA 91716-0136
4627283 +Sallie Mae 3rd Pty Lsc, Acct No 951244345910004, 11100 Usa Parkway, Fishers, IN 46037-9203
4676802 Sallie Mae, Inc. on behalf of USA Funds, Attn Bankruptcy Litigation Unit E3149, Po Box 9430,
Wilkes-Barre, PA 18773-9430
4627284 +Sequoia Concepts LLC, Acct No 714ADV0210104016, 1771 E Flamingo Rd Ste 1,
Las Vegas, NV 89119-5155
4627285 +Sm Servicing/Sallie Mae, Acct No 951244345910003, Attn: Claims Dept, Po Box 9500,
Wilkes Barre, PA 18773-9500
4627286 +Target, Acct No 375268731, Po Box 1327, Mail Stop 3CK, Minneapolis, MN 55440-1327
4627287 The Swiss Colony, Acct No 850667600384, 1112 7th Ave, Monroe, WI 53566-1364
4777168 +US BANK NATIONAL ASSOCIATION, C/O LITTON LOAN SERVICING LP, BANKRUPTCY DEPT, PO BOX 4387,
HOUSTON, TX 77210-4387
4627289 +Us Dept Of Education, Acct No 5637564122, Po Box 5609, Greenville, TX 75403-5609
4627290 +Usa Servicing Company, Acct No 56375641206617560, 11100 Usa Parkway, Fishers, IN 46037-9203
4627292 ++WACHOVIA DEALER SERVICES INC, BK DEPARTMENT, PO BOX 19657, IRVINE CA 92623-9657
(address filed with court: WFS, PO Box 1697, Irvine, CA 92623)
4627293 ++WACHOVIA DEALER SERVICES INC, BK DEPARTMENT, PO BOX 19657, IRVINE CA 92623-9657
(address filed with court: Wfs Financial/Wachovia Dealer Services, Acct No 518880733253,
Po Box 19657, Irvine, CA 92623)
4627291 +Washington Mutual / Provident, Acct No 0700553273, Attn: Bankruptcy Dept, Po Box 10467,
Greenville, SC 29603-0467
4711106 +Worldwide Asset Purchasing, II, LLC, c/o West Asset Purchasing, Inc., P. O. Box 105698,
Atlanta, GA 30348-5698

The following entities were noticed by electronic transmission on Sep 03, 2009.

4627269 +E-mail/PDF: gecsedirecoverycorp.com Sep 03 2009 06:31:27 GEMB / Mervyns,
Acct No 604589365012, Po Box 103104, Roswell, GA 30076-9104
4627270 +E-mail/PDF: gecsedirecoverycorp.com Sep 03 2009 06:31:14 GEMB / Walmart,
Acct No 6032201411213203, Po Box 103106, Roswell, GA 30076-9106
4627271 +E-mail/PDF: gecsedirecoverycorp.com Sep 03 2009 06:34:58 Gemb/hmedpt, Acct No 9150044,
Po Box 981400, El Paso, TX 79998-1400
4627272 +E-mail/PDF: gecsedirecoverycorp.com Sep 03 2009 06:33:41 Gemb/walmart Dc,
Acct No 6011314009086199, Po Box 981400, El Paso, TX 79998-1400
4627276 +E-mail/PDF: gecsedirecoverycorp.com Sep 03 2009 06:33:15 Jc Penney, Acct No 821729,
Ge Money/Attn: Bankruptcy Dept, 4125 Windward Plaza, Building 300, Alpharetta, GA 30005-8738
4694112 +E-mail/Text: ebn@phinsolutions.com RJM ACQUISITIONS LLC,
575 UNDERHILL BLVD. STE 224, SYOSSET NY 11791-3416

District/off: 0978-2
Case: 09-15101

User: espinozal
Form ID: pdf891

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Total Noticed: 49

Date Rcvd: Sep 02, 2009

The following entities were noticed by electronic transmission (continued)

5015694 E-mail/PDF: BNCEmails@blinellc.com Sep 03 2009 06:33:27 ROUNDUP FUNDING, LLC, MS 550,
PO BOX 91121, SEATTLE, WA 98111-9221
4627288 E-mail/Text: bncbankruptcy@triadfinancial.com Triad Financial Corp,
Acct No 40000116111020001, 5201 Rufe Snow Dr Ste 400, North Richland Hills, TX 76180
TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr SALLIE MAE, INC.
cr US BANK

TOTALS: 2, * 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 04, 2009

Signature:

